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SUBJECT: DARFUR MEDIATION: WE NEED A FRAMEWORK AGREEMENT BEFORE AN
ICC INDICTMENT

¶11. (SBU) SUMMARY: On January 28, George Zechariah, the primary staff assistant to AU-UN Chief Darfur Mediator Djibril Bassole, told poloffs that the Mediation needs to secure a framework agreement between the rebels and Government of Sudan (GoS) before the issuance of an ICC indictment against President Bashir. Zechariah stated that the Chief Mediator hopes he can secure this agreement between at least one of Darfur's three major rebel movements (most likely JEM or, less likely, SLA/Unity) in the next two weeks. According to Zechariah, this would provide a foundation for the peace process and supposedly put pressure on uncooperative actors such as Abdul Wahid Al-Nur. END SUMMARY.

BASSEOLE'S STRATEGY AND PRESSURE OF ICC

¶12. (SBU) According to Zechariah, the Chief Mediator continues to pursue a strategy of "focusing on the largest and most powerful Darfur groups." Zechariah stated that the Chief Mediator is focusing his efforts on securing rebel and GOS acceptance of both a framework agreement and traveling to Doha for initial talks. "If we can get this [i.e. the framework agreement and a GoS-rebel meeting in Doha] before the ICC moves, that would be really big for the process," stated Zechariah. According to Zechariah, Bassole fears that an indictment of President Bashir will kill any momentum in the peace process. "If an ICC indictment is issued against Bashir, we do not know if the Government will continue to engage with the international community or if the rebels will use the decision to stage a big attack," stated Zechariah. The JMST believes there are signs that the GoS may take a more aggressive and militant stance following an ICC indictment, such as the arrest and ongoing detention of Hassan Al-Turabi and some recent anti-Western rhetoric by the regime. (Note: The comment about heightened regime rhetoric is somewhat overstated; what rhetoric there has been is related to the ICC. End note.)

JEM

¶12. (SBU) Zechariah stated that the Justice and Equality Movement (JEM) of Khalil Ibrahim continues to proactively engage with the Mediation, and that last week's meetings with JEM leadership in London were positive. Zechariah stated that although JEM previously acknowledged the need to include other rebel movements in negotiations, JEM has "become more confident" following their January 6-14 visit to Washington and now "has started to talk again about entering into talks with the GOS alone." Zechariah believes that JEM continues to gain strength and "is likely attracting more followers at this point than it is losing" (Note: JEM launched a major offensive in Darfur on January 15, still ongoing, which initially target DPA signatory Minni Minnawi's strongholds. End note).

SLA/AW

¶3. (SBU) Zechariah reported that Abdul Wahid Al-Nur of the Sudan Liberation Movement continues to be uncooperative, stubborn, and difficult to contact. It is very unlikely, reported Zechariah, that Al-Nur would travel to Doha or sign any framework agreement in the near future. Al-Nur refused to meet Chief Mediator Bassole in Paris last week, although Bassole did meet with one of his representatives. "Even if JEM and SLA/Unity are ready to move forward and sign a framework agreement, we will leave the door open for Abdul Wahid," stated Zechariah. He also speculated that if the Mediation is able to adequately address the concerns of IDPs, that this will put pressure on Al-Nur to cooperate with the Mediation.

SLA/Unity

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¶4. (SBU) Zechariah stated that their talks with SLA/Unity are positive and that "there is the belief that if other movements agree to attend negotiations, SLA/Unity will follow and come as well." (Note: CHD's Theo Murphy repeated this same theory to poloffs the week of January 25. End Note.) Zechariah questioned whether SLA/Unity is still one movement, or whether it has fragmented among the lines of Unity's top leadership (i.e. Suliman Jamous, Sharif Harir, Abdallah Yehia, and a number of prominent and unruly field commanders.) Poloffs shared their recent conversation with Abdallah Yehia on January 17, where the SLA/Unity leader called his movement's rumored division "part of the Government's and JEM's propaganda war." Poloff also stated that Yehia's perception of the Chief Mediator significantly improved since Bassole's meeting with SLA/Unity in the field in December, but that Yehia still does not understand the role of Qatar. (Note: Yehia told poloff that Qatar still has not directly invited SLA/Unity to any meetings in Doha and that he personally was confused about Qatar's role. Poloff explained to Yehia that Chief Mediator Bassole is in charge of the

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peace process, but that the Qataris have been helpful in providing a venue and support to the Mediation. Poloff encouraged Yehia to be proactive and to speak directly to both the Mediation and the Qataris about his concerns, and to consider sending a representative to Doha as JEM and other movements have already done. End note.)

WHAT TO DO WITH MINNI?

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¶5. (SBU) When asked about the status of the Sudan Liberation Movement of Minni Minnawi and how it will fit into future negotiations, Zechariah responded, "you tell me." Although SLM/MM member of Parliament Ali Traio and General Secretary Ali Dausa were meeting with JMST officials on January 28, Zechariah stated that the Mediation does not know how to include SLM/MM in the process. Zechariah also stated that JEM is not keen on including SLM/MM in negotiations, as "JEM leaders tell the Mediation that Minni is no longer a relevant force" (after JEM's recent sneak attack against SLM/MM). Poloffs responded that even if Minnawi has been significantly weakened and is still (at least officially) a government official, that he needs to be consulted, included in the process and given special recognition for being the first to sign a peace agreement in Darfur.

U.S. SUPPORT FOR THE MEDIATION

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¶6. (SBU) Zechariah ended the meeting stating that he appreciates U.S. support for Chief Mediator Bassole and that the Mediation would appreciate USG support in three particular areas. First, the USG can "continue to be helpful in encouraging Sudan's neighbors, particularly Egypt and Libya, to support Qatar's efforts and not undermine the process." Second, Zechariah stated that the USG should remind JEM that it is not the only movement in Darfur and that other movements must be respected and included in the process. Third, Zechariah stated "there is probably not much the U.S. or anyone else can do about this, but from our perspective the later that an ICC indictment comes out, the better for the Mediation."

COMMENT

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¶7. (SBU) When compared to past UN and AU mediators, Bassole has been more active, developed better relationships with the rebel leadership, and expressed a clearer strategy. The question remains

whether this strategy of focusing on the problematic and aggressive JEM (especially as it is a minority Zaghawa movement with Chadian backing, little popular support in Darfur, historic ties to the Sudanese regime, and has an Islamist and regime change agenda) will encourage other movements to join the process. While the USG should support Bassole in his work and maintain a dialogue with JEM, it is important to remind JEM that they are not the only movement, that their leader remains on specially designated U.S. sanctions lists, and that the U.S. is extremely concerned about JEM's past and current role in the recent upsurge of violence in Darfur and their presence in areas controlled by SLM/MM. The recent violence in both South and North Darfur was entirely instigated by JEM, and we should be telling JEM that this is unacceptable at every opportunity, as well as making that clear in our public statements.

¶8. (SBU) Comment continued: The ICC continues to hang over Sudan and dominate political discourse. While justice is integral to a final solution in Darfur, it is unfortunate that the delay in an announcement from the ICC (a warrant was originally expected in October and has been delayed repeatedly) has created a situation of political limbo for all of Sudan and has effectively halted progress on all fronts (not just Darfur, but also CPA) as the NCP's opponents wait to see what the result will be before engaging in negotiations.

The NCP regime itself is also relatively paralyzed at the moment, waiting to see how the dynamic may change after the ICC and focusing on little else besides defending President Bashir from the ICC. While the Chief Mediator should focus on pushing forward his framework agreement, he should also secure the commitment of all parties to engage in the peace process regardless of any announcement of an ICC decision on President Bashir.

FERNANDEZ